

EXHIBIT J

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON VICENAGE

GEORGE STAMOS, :
 :
 :
 Plaintiff, :
 :
 :
 -v- :
 :
 :
 AOP OPERATING COMPANY, LLP; :
 JOSEPH SOLANO AND JONATHAN :
 SOBEL, :
 :
 :
 Defendants. :

DEPOSITION OF: RICHARD ORTIZ
September 14, 2021

TAYLOR & FRIEDBERG, LLC
Certified Court Reporters
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Morristown, New Jersey 07960
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3 T R A N S C R I P T of the deposition of
4 RICHARD ORTIZ, a witness herein, called for Oral Examination
5 by the parties in the above-entitled action, said deposition
6 being taken pursuant to Notice, by and before LORI YUCHT, a
7 Certified Court Reporter and Notary Public of the State of
8 New Jersey, License No. XI00200400, at the Offices of Chiesa
9 Shahinian & Giantomasi, 830 Morris Turnpike, Short Hills,
10 New Jersey, on Tuesday, September 14, 2021, commencing at
11 12:35 in the afternoon.
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1 ability to remember or concentrate?

2 A No.

3 Q You never know.

4 How are you currently employed?

5 A I am the general sales manager at
6 Volkswagen Princeton.

7 Q And is that under the auspices of AOP
8 Operating Company?

9 A Yes.

10 Q How long have you been a general
11 sales manager?

12 A Since March of 2019.

13 Q What was the -- as of March of 2019
14 what was -- what was the chain of command up and
15 down from you?

16 A Joe Solano was the general sales
17 manager, so he was above me. And then George Stamos
18 was the used car manager, and Matt Rucko was the
19 finance manager, so I guess they would both be below
20 me.

21 Q So you refer to yourself as being the
22 general sales manager since 3 of 2019, but you also
23 referred to Mr. Solano as being the general sales
24 manager. Was that a mistake?

25 A No. I said general manager for Joe

1 Solano.

2 Q I just wanted to make sure. That is
3 what I thought too.

4 Was there someone also who was the
5 new car sales manager?

6 A No.

7 Q Did you have -- did you handle new
8 car sales management?

9 A Yes. That's essentially what the
10 general sales manager does.

11 Q And what -- were you a -- were you on
12 level -- the same level as George Stamos or did he
13 report to you or did you report to him, or anything
14 like that?

15 A I wouldn't say he reported to me, and
16 I didn't report to him. More or less equals I guess
17 and -- yeah.

18 Q Was any part of your responsibility
19 in March of 2019 to evaluate Mr. Stamos's job
20 performance?

21 A No.

22 Q Before going to work for Volkswagen
23 of Princeton, where did you work?

24 A I worked at BMW of Ramsey, which is
25 also known as Prestige BMW.

1 Q How long did you work for Prestige?

2 A From 2013 until 2018.

3 Q And what did you do in between
4 Prestige and Volkswagen of Princeton?

5 A Nothing. I went directly from BMW to
6 Volkswagen. I was just the finance manager from
7 2018 to 2019 before --

8 Q Thank you. And Matt took your place?

9 A Yes. I promoted him.

10 Q Did you work -- did you work
11 somewhere full-time before Prestige?

12 A Yes.

13 Q Where was that?

14 A TGI Fridays.

15 Q And what was your position with TGI
16 Fridays?

17 A Waiter.

18 Q And for what percent of time?

19 A Six years. Masters degree.

20 Q Where did you get your Masters
21 degree?

22 A At TGI Fridays.

23 Q Oh, that was your Masters. How far
24 did you go in school?

25 A I did not go to college. So high

1 school degree.

2 Q And where was that from?

3 A Goshen High School.

4 Q Is that New Jersey?

5 A New York.

6 Q That's what I thought. I am an
7 Upstate New York person so the only Goshen I knew
8 was in New York, but I wanted to make sure.

9 A Nice.

10 Q Okay. And when did you get out of
11 high school?

12 A I'm sorry?

13 Q When did you get out of high school?

14 A 2007.

15 Q And what is your birthday?

16 A June 28th, 1989.

17 Q So, that would have made you 30 when
18 you -- 29 or 30 when you got hired by AOP?

19 A Yeah.

20 Q And I'm not sure if I asked you this
21 so forgive me if I did. What was your job at
22 Prestige?

23 A I was a -- my last job there was
24 finance manager.

25 Q What other jobs did you hold there?

1 A I was a salesperson initially.

2 Q Does Prestige do new and pre-owned?

3 A Uh-huh.

4 Q One other thing I forgot to say --

5 A Yes.

6 Q Thank you. Our intrepid court
7 reporter will try to take down answers like that,
8 but it is much better if we are clear what we are
9 talking about. Thank you.

10 Okay. What made you leave Prestige
11 and go to AOP?

12 A The company was sold, or in the
13 process of being sold.

14 Q You mean Prestige was sold?

15 A Yes.

16 Q Before coming to work for AOP, did
17 you work with or for anybody who you worked with or
18 for at AOP?

19 A Yes. Joe Solano.

20 Q And where did you work with Mr.
21 Solano?

22 A At BMW.

23 Q How long did you work for Mr. Solano
24 or with -- I'm sorry, what was his job?

25 A He was the general manager there as

1 Mr. Stamos?

2 A Daily.

3 Q What was the nature of that
4 interaction?

5 A Almost the same as finance. Still
6 smoked cigarettes at that time, and we had Saturday
7 meetings. So every Saturday, him and the
8 salespeople would be in my office and just -- I
9 can't, you know -- it was a very small dealership
10 so, you know.

11 Q Once you became general sales
12 manager, what was your impression with Mr. Stamos?

13 A In what regard?

14 Q In anything, personal, business.
15 What was your impression of him?

16 A Personally, nice guy and -- yeah.

17 Q Any issues that you spotted with his
18 work?

19 A Yes.

20 Q What were those?

21 A Well, he was not -- he was not an
22 approachable person for the salespeople. He wasn't
23 necessarily an optimistic, motivational kind of
24 figure in the dealership.

25 Q Anything else?

1 A He was punctual. He was always on
2 time.

3 Q That's good too, right?

4 A Yeah.

5 Q Anything else?

6 A This is when I first started? Like
7 when I first got promoted to general sales manager?

8 Q So, when you got promoted to the time
9 he left was a three-month period.

10 A Correct.

11 Q Or a four-month period. Let's just
12 take that whole period.

13 A Over those four months?

14 Q Yeah.

15 A Oh, okay. Yeah. Very, very -- I am
16 not too good with the words but, difficult.

17 Q Okay. What else?

18 A What did I say already? I don't want
19 to be repetitive.

20 Q You said not approachable person to
21 the salespeople, not optimistic or motivational --
22 you said he was punctual, and then you said he was
23 difficult.

24 A Difficult in terms of trying to make
25 any changes to, you know, the business plan that had

1 carried on there prior to my promotion.

2 Q Okay. We'll come back to these
3 things. I want to get some headings.

4 A Sure.

5 Q So, difficult. What else?

6 A I guess rude to an extent. Not to
7 me, but I am just describing.

8 Q Sure. What else? Tell you what,
9 let's talk about what you just said. And if
10 something comes to mind, you just let me know.

11 A Sure.

12 Q You said he was not an approachable
13 person for the salespeople. Is that something you
14 noticed right off the bat?

15 A I knew that before being promoted.

16 Q How did you know that?

17 A Because as a finance manager, the
18 salespeople would come to me to help them make their
19 used car deals.

20 Q How would you help them as the
21 finance manager?

22 A I would just go speak to the
23 customer.

24 Q And you've been a salesperson for a
25 while so you knew how to talk customer?

1 A Yeah.

2 Q Other than what salespeople might
3 have told you, did you ever make any observation
4 about Mr. Stamos not being approachable to the
5 salespeople?

6 A Yes.

7 Q What did you observe?

8 A So our offices were next to each
9 other. I could -- thin walls. I could hear almost
10 every conversation in there.

11 Q So, tell me about -- tell me about
12 how he was not approachable.

13 A So, a salesperson would get a
14 customer, take the customer to their desk, do a
15 needs analysis, needs assessment, test-drive the
16 vehicle, gather all the information, take that
17 information, go to the either new car or used car
18 manager - depending on what the customer was looking
19 for - give them all that information, receive a
20 quote sheet. Up until that point, it was seamless
21 for both new and used cars. If the customer said
22 anything but yes to the quote sheet, an objection,
23 they had to go back. So at that point is when he
24 became unapproachable.

25 Q And this is that famous moment in a

1 car transaction when a salesperson says, well, I
2 have to talk to my manager about that.

3 A Correct.

4 Q So, how was he not approachable in
5 that circumstance?

6 A Well, after one or two times of going
7 back in there and being told that either you're weak
8 or tell them to get out, don't call us, don't --
9 tell them don't call us, we'll call them, any quip
10 like that to a not thick-skinned person is going to
11 create a thing of doubt within yourself. And that
12 happened with, I would say, 80 percent of the staff.
13 Maybe if there was five people, there was one
14 salesperson whose skin is tougher than anything so
15 no one could bother him. But the rest of them would
16 be affected.

17 Q Who was the thick-skinned person?

18 A Zach Asad.

19 Q You say that in a way. Why do you
20 say it that way?

21 A Because Zach Asad is -- he ran his
22 own numbers so, you know, he didn't really need
23 anybody. And it's just -- he is just a funny
24 individual to think about.

25 Q Did Mr -- is Mr. Asad still with the

1 A The question was, is there anything
2 in here that is critical of George Stamos?

3 Q Yes.

4 A I don't think so.

5 Q If you want a moment, take it. But
6 if you're good with that answer, that's fine.

7 A No, I don't think there is anything
8 critical of George Stamos in here.

9 Q Okay. Thanks.

10 So, what -- we were talking -- before
11 we got off on Zach Asad, you were telling me about
12 issues that you noticed with Mr. Stamos and the
13 information -- what you had given me at that point
14 was not approachable, not optimistic, motivational,
15 difficult and rude. And we were talking about not
16 approachable, and you said that you could overhear
17 conversations with salespeople because he is right
18 next door to you and you have thin walls. Did
19 you -- did you ever hear Mr. Stamos demeaning a
20 salesperson?

21 A Yes.

22 Q How so?

23 A Calling them weak.

24 Q Why do you consider that to be
25 demeaning?

1 A I think I considered it to be
2 demeaning because of the individual he was saying it
3 to.

4 Q Who was he saying it to?

5 A Alan Geller.

6 Q Can you put this in a point of time?

7 A I can't.

8 Q Were you aware that Mr. Geller had
9 made a complaint about being called weak by
10 Mr. Stamos in 2016?

11 A Yes.

12 Q So, is it your testimony that this
13 was another occasion of calling Mr. Geller weak?

14 A Well, to be honest with you, I don't
15 know if the exact word was weak maybe. I mean,
16 being under oath, I don't want to be misquoted here
17 but, demeaning nonetheless.

18 Q Okay. I understand that your
19 impression was, that it was a demeaning statement.

20 A Yeah.

21 Q Can you fill in a little bit with a
22 little -- anymore detail what Mr. Stamos might have
23 said that led you to believe that it was a demeaning
24 remark to Mr. Geller?

25 A Just the look of deflation on Alan's

1 face.

2 Q Do you remember what the conversation
3 was about that you're referring to?

4 A A car sale.

5 Q So I am going to give you a for
6 instance.

7 A Sure.

8 Q Counsel is going to object and then
9 you're going to get to answer anyway. Because
10 sometimes we just say objection because we have got
11 to preserve that for something.

12 I would imagine that people get
13 deflated when they're told no on a deal.

14 MS. TRACY: Objection.

15 Q Right?

16 A And I can answer?

17 MS. TRACY: You can answer.

18 Q She'll tell you when you can't
19 answer.

20 A Okay. I'm sorry, can you repeat the
21 question?

22 Q Sure.

23 If a salesman comes to you -- we'll
24 make it personal to you, and wants to do a deal and
25 you say no, the salesperson is not happy with your

1 price was not going to be accepted?

2 MS. TRACY: Objection.

3 A Yes.

4 Q Was there a -- was there a
5 designation of who was working used and who was
6 working new?

7 A For the salespeople?

8 Q For the salespeople.

9 A No. They're all allowed to sell
10 either one.

11 Q So, in one deal they might be working
12 with you and in another deal they might have been
13 working with Mr. Stamos?

14 A Correct. Depending on the customer.

15 Q So, when Mr. Geller came in on this
16 one occasion -- and whatever you heard you have
17 described it as a look of deflation, I am assuming
18 that was after Mr. Stamos had said whatever he said?

19 A Yeah. Like at Alan's own desk,
20 several -- I don't know how long after. But after
21 he left George's office. 'Cause you can't see into
22 each other's offices.

23 Q Sure.

24 Did you ever inquire of Mr. Geller
25 what the problem was?

1 A On that specific incident, I don't
2 know. But I had certainly had conversations with
3 Alan. He'd come to me to try and put a deal
4 together to go out and talk to his customer at
5 least.

6 Q Okay. And would you do that when it
7 was a used car -- a used car that was at issue?

8 A I had to. George would never go out
9 to talk to customers so I had to speak to them all.

10 Q Did Mr -- did George ever tell you he
11 wasn't going to go out and talk to customers?

12 A He didn't have to tell me, we just
13 knew that.

14 Q Well, how did you know that?

15 A Because he never got up.

16 Q You mean he never left his office
17 during the entire workday?

18 A No. He would have cigarettes, but he
19 never got up to speak to a customer is what I meant.

20 Q But how did you know that?

21 A As I worked there with him for two
22 years and never saw him get up and speak to a
23 customer.

24 Q Was your office as the general sales
25 manager the same office you had as finance manager?

1 So that would be raising his voice, right?

2 Q Right. If you say so.

3 A Yes.

4 Q Would you consider that an
5 inappropriate raising of voice?

6 A Not necessarily.

7 Q Because you can't have the cars
8 blocking the aisle, right?

9 A Yeah.

10 Q How about -- how about this way. Did
11 you ever hear Mr. Stamos inappropriately raise his
12 voice to a salesperson?

13 A Yes.

14 Q Can you give me an example?

15 A I think he told Matt Kassin one time,
16 you are never going to figure this out, or something
17 like that.

18 Q Castle, like --

19 A Matt Kassin.

20 Q Oh, Kassin. Oh, right.

21 A He definitely made a couple of louder
22 remarks at Matt Kassin.

23 Q Did you have any -- did you work with
24 Matt Kassin?

25 A Yes.

1 Q Did you ever have any problems with
2 Matt Kassin?

3 A No.

4 Q Did you consider him to be relatively
5 new to the car business?

6 A Yes.

7 Q Did he have any getting-up-to-speed
8 problems?

9 A Yeah.

10 Q What kind of getting-up-to-speed
11 problems did Mr. Kassin tell you?

12 A I mean, the same that any new
13 salesperson would have getting familiar with things
14 as where the keys are stored, how to clock in,
15 logging in, putting the right information in a deal,
16 calling for insurance, getting a payoff, submitting
17 a credit app, finding the right technician, taking
18 the car to detail, where is the gas card? There is
19 a lot of things.

20 Q And did you have to assist him in
21 those matters too?

22 A Most of them, yes.

23 Q I'm sorry?

24 A Most of them.

25 Q At a certain point, did Mr. Kassin

1 Q Were you -- according to Mr. Kassin,
2 who was here by the wonders of Zoom earlier, all the
3 salespeople were coming to you for -- to work their
4 deals.

5 A Yeah.

6 MS. TRACY: Objection.

7 Q Do you believe that to be true?

8 A I worked deals for all the
9 salespeople, yes.

10 Q Referring specifically to deals
11 involving used cars, were all the salespeople
12 primarily coming to you to work their deals?

13 A No. They would try, but a lot of
14 times I would send them to George. Because if we
15 are going to run a dealership, we have to have a
16 process. So I wanted them to go through George.

17 Q Did any of them ever tell you why
18 they were going to you first and not George?

19 A They didn't have to.

20 Q What does that mean?

21 A It was difficult to work with George.

22 Q You never actually worked with George
23 as a salesperson. Correct?

24 A No.

25 Q So, on what basis do you say it was

1 difficult to work with George on a deal?

2 A From hearing him and how he was with
3 the salespeople, from seeing him in my whole time
4 there, never go out and talk to a customer to close
5 a deal for a salesperson. And, you know, just
6 overall energy.

7 Q Do you know of anybody that ever
8 asked Mr. Stamos to come out and help him with a
9 customer?

10 A No. I mean, I would guess they
11 probably at some point asked him maybe prior to me
12 getting to the dealership. I know Matt Kassin
13 probably asked him because he was the person who I
14 didn't work -- who was there in a post-me world.
15 Zach wouldn't have asked him, Alan wouldn't have
16 asked him, Sean wouldn't have asked him. They just
17 wouldn't have asked him probably.

18 Q What makes you think that Mr. Kassin
19 ever asked him to help?

20 A Because Kassin always asked for help.

21 Q I mean, Mr. Kassin testified he
22 didn't. So I am wondering why --

23 MS. TRACY: Objection to form.

24 A Asked for help?

25 Q From Mr -- help with a customer on

1 thought you were done.

2 BY MR. DERATZIAN:

3 Q What was vAuto being used for at AOP
4 or HOP, when you started in 2018?

5 A For trade appraisals, and I don't
6 know what else when I first started. I wouldn't
7 know.

8 Q Do you know what else vAuto does
9 besides facilitate trade appraisals?

10 A Absolutely. Yes.

11 Q What else does it do?

12 A So, it provides -- we price our cars
13 through vAuto now so our used cars are priced
14 through vAuto. So we adjust our prices through it.
15 We print our buyers orders -- I mean, our buyers
16 guides and our warranty information through vAuto.
17 We had a workbench in vAuto which shows us years,
18 makes, models, trims, and grades them as to what is
19 doing well in the market. VAuto also pulls data
20 from our third-party vendors, so like Autotrader,
21 Cars.com, CarGurus; shows us percentages of clicks
22 and click-throughs, VDP and SRP results, so search
23 results pages and vehicle display pages for each
24 vehicle; there is a listing logic tool in it that we
25 use to highlight and -- cars on Autotrader, you get

1 a certain amount of premium spots and highlighted
2 spots, so we adjust the vehicles in there for that
3 now. It shows you tons of reports, your turn rate,
4 your water, which is like your markup, your average
5 markup in vehicles, and I think that's about the
6 extent of the things we use vAuto for now.

7 Q Do you know a gentleman named
8 Jonathan Harvey?

9 A No. I know of him but I've never met
10 him.

11 Q Do you know what his job is?

12 A I thought he was the IT guy at the
13 dealership. Maybe he was like the -- not the IT
14 guy, maybe like a BDC guy.

15 Q That's BDC, right?

16 A BDC, yeah. I think --

17 Q What does BDC stand for?

18 A Business development coordinator.

19 Q Were you aware that in 20 -- in
20 November 2016, Mr. Harvey stated that vAuto was only
21 supposed to be used for pricing and appraisal?

22 A No.

23 Q Besides pricing and appraisal, all
24 the other things you just listed that vAuto does,
25 when did you start using them for those purposes

1 Q Well, when you say refusing to pull,
2 was Mr. Stamos not looking for cars to buy at
3 auction?

4 A No. He wasn't coming into the
5 meetings with Mike and learning with me about the
6 right way to do that. He was continuing to do them
7 in the previous way.

8 Q What was the previous way?

9 A I don't -- I don't know. I never
10 asked him that. But it was just the way we were
11 trying to move away from.

12 Q Did someone tell you that Mr. Stamos
13 wasn't doing this in the proper way?

14 A I guess I made that my -- judgment
15 myself, from looking at the vAuto and being trained
16 on it and seeing the things that we weren't doing
17 that our sister store was doing.

18 Q It's also been represented that you
19 know about inappropriate comments to customers. Do
20 you know anything about inappropriate comments by
21 Mr. Stamos to customers?

22 A About customers I know about, not to
23 customers.

24 Q No to customers. And you told me
25 about some inappropriate comments to sales

1 associates in the form of calling them weak and what
2 you characterized as demeaning. Anything else with
3 respect to inappropriate comments to sales
4 associates?

5 A I mean, if you're going to comment
6 about a customer in an inappropriate way, I guess
7 would that fall under inappropriate to a sales
8 person?

9 Q Sure.

10 A Like I know you probably have in
11 there somewhere that he referred to the customers,
12 Indian customers, as Patels or Kumars, so I would
13 say that's offensive, inappropriate and, it doesn't
14 matter who you say it to, it is not something you
15 should say.

16 Q You acknowledge, I imagine, that
17 Patel and Kumar are fairly common Indian names?

18 A Yeah.

19 Q Do you have any specific knowledge
20 that the persons being referred to's names were not
21 actually Patel or Kumar?

22 A Do I have any knowledge that their
23 names actually weren't --

24 Q Were not that?

25 A Yeah.

1 Q Can you tell me a specific time when
2 Mr. Stamos referred to someone as Patel where their
3 name was not actually Patel?

4 A I don't have a specific time.

5 Q How about Kumar?

6 A Don't have a specific time.

7 Q What makes you say that he was
8 referring to people whose names were not Patel and
9 Kumar as Patel and Kumar?

10 A Because he didn't know their name
11 'cause he never spoke to them either.

12 Q Would you be surprised to know that
13 he's testified that he knew the people he was
14 referring to and knew that their names were Patel?

15 A I would be surprised to hear that.

16 Q Do you have any reason to believe
17 that he did not know the people?

18 A I have all the reason to believe
19 that.

20 Q What reason do you have to believe
21 that he did not actually know the people?

22 A Because I work there and, as I
23 previously stated, George didn't get up and talk to
24 customers. George didn't have a Momentum log-in,
25 which is the database for all the customers. So I

1 would be blown away that if George managed to
2 remember people off of their face alone from his
3 office across the showroom floor -- and some of
4 these people never even bought cars there, so we
5 don't even have their data.

6 Q Okay. One of the things that you are
7 here for today is, you have been designated by the
8 company to give testimony on certain topics. One of
9 those topics is information that, quote, Plaintiff
10 purchased a number of vehicles at a price point
11 without knowing that the market was flooded with
12 vehicles of that model, age and mileage, called in
13 defendants to be unable to sell those vehicles
14 quickly and profitably.

15 I am not asking you to remember that,
16 I am going to show you the Notice of Deposition that
17 you are in part here for today. And this has been
18 already marked as Plaintiff's Exhibit number 1. And
19 you have been designated on Item B, Item C and Item
20 E.

21 MS. TRACY: Objection. Yesterday,
22 with correspondence of yesterday's date actually,
23 Catherine Wells advised in her letter that it is now
24 Joe Solano who is designated with regard to
25 Subsection E.

1 are likely to sell?

2 A That is one of the uses of it, yes.

3 Q And is that what you are talking
4 about, you did and gave the information to
5 Mr. Stamos?

6 A Yes.

7 Q Okay. How did he react when you gave
8 it to him?

9 A Pulled it close to him and said okay.

10 Q Was he resistant to you providing him
11 with that information?

12 A No.

13 Q At that time, did it occur to you to
14 say, you know, this is how I did this and you might
15 want to try that too?

16 A Yeah.

17 Q Did you do that?

18 A No. I did not specifically tell him
19 to do what we were told to do a week before.

20 Q You said that Mr. Stamos didn't know
21 how to do it.

22 A Yeah.

23 Q But you said a moment ago that this
24 was exactly what Mike Clites had just trained both
25 of you on. So why do you believe he didn't know how

1 to do it if he had just undergone a training with
2 you and how to do the same thing?

3 A Because I don't believe he paid
4 attention in the training.

5 Q Why do you believe he didn't pay
6 attention?

7 A Because he stopped going the next
8 week, and his lack of interest was apparent.

9 Q Let's just talk about that one
10 specific training.

11 A He wasn't paying attention.

12 Q Why do you believe that to be true?

13 A Because he was in the same room with
14 me, and he wasn't paying attention.

15 Q What was we doing?

16 A Just staring.

17 Q What was he staring at?

18 A I don't remember.

19 Q Is it possible he was staring at Mike
20 Clites, what Mike Clites was doing?

21 A Sure. That is a possibility.

22 MR. DERATZIAN: Okay. Nothing else.

23 MS. TRACY: I have nothing further.

24 (Deposition concluded at 3:22 p.m.)

25 (Whereupon, Nicole Tracy will purchase a copy